

## **MEETING OF THE BOARD OF COUNTY COMMISSIONERS**

### **REGULAR MEETING**

**February 11, 2004**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, February 11, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Tim Norton; with the following present: Chair Pro Tem Thomas G. Winters; Commissioner David M. Unruh; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Ms. Susan Erlenwein, Director, Environmental Resources; Segeant Brenda Dietzman, Sheriff's Department; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Ms. Annette Graham, Director, Department on Aging; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Bethany Carpenetti, Deputy County Clerk.

### **GUESTS**

Mr. Kevin Miles, President, NAACP.  
Mr. Steve Hesse, 14915 E. 9<sup>th</sup> St. N., Wichita, Ks.  
Mr. Archie Adams, 14909 E. Tipperary, Wichita, Ks.  
Mr. Bob Ramsey, 940 N. Stagecoach, Wichita, Ks.  
Ms. Candy Ramsey, 940 N. Stagecoach, Wichita, Ks.  
Mr. John Baker, 848 N. Sandpiper Court, Wichita, Ks.

### **INVOCATION**

The Invocation was led by Reverend Thomas Edwards of Eastminster Presbyterian Church, Wichita.

### **FLAG SALUTE**

### **ROLL CALL**

The Clerk reported, after calling roll, that all Commissioners were present.

### **CONSIDERATION OF MINUTES:** Regular Meeting, January 21, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of January 21, 2004.

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**Chairman Winters** said, "Commissioners, you've had an opportunity to review the Minutes. What's the will of the Board?"

**MOTION**

Commissioner Norton moved to approve the Minutes of the Regular Meeting of January 21, 2004.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion, the vote was called.

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Next item."

**PROCLAMATION**

**A. PROCLAMATION DECLARING FEBRUARY 2004 AS "BLACK HISTORY MONTH."**

**Chairman Winters** said, "Commissioners, I have a proclamation I'd like to read for your consideration.

**PROCLAMATION**

**WHEREAS**, African Americans have played major roles in some of the most daring moments in the history of our nation, and we recognize and honor their achievements each year by celebrating Black History Month; and

**WHEREAS**, for generations, Americans of African descent have fortified our society by

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overcoming obstacles and reflecting a proud legacy of courage and dedication; and

**WHEREAS**, we are fortunate in Sedgwick County to showcase the rich history, culture and heritage of African Americans through the Kansas African American Museum and the restoration of the Ark Valley Lodge; and

**WHEREAS**, in Sedgwick County we have numerous opportunities to participate in events throughout the year that celebrate Black History, such as Martin Luther King Jr. celebrations, Juneteenth and the Black Arts Festival; and

**WHEREAS**, Black History Month helps remind us that we all have a role in promoting equality and fairness for all Americans.

**NOW THEREFORE BE IT RESOLVED**, that I, Thomas G. Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim February, 2004 as

**“BLACK HISTORY MONTH”**

in Sedgwick County and encourage all employees and citizens to learn more about the history and culture of African Americans, because this history belongs to all of us.

Dated February 11<sup>th</sup>, 2004.

Commissioners, that is the proclamation. What’s the will of the Board?”

**MOTION**

Commissioner McGinn moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

There was no discussion on the Motion, the vote was called.

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### VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “And today we have Kevin Miles with us. Kevin is president of the NAACP. Kevin, welcome to our meeting.”

**Mr. Kevin Miles**, President, National Association for the Advancement of Colored People (NAACP), greeted the Commissioners and said, “And I’d just like to say thank you. I have no prepared statements, but thank you very much.”

**Chairman Winters** said, “All right. Well, we certainly appreciate your efforts and work in the community. The responsibilities of your position are very important and we certainly want you to know that if we can be of assistance to you in your opportunities and challenges, please contact us. Commissioner McGinn has a comment. Commissioner.”

**Commissioner McGinn** said, “Thank you. Kevin, thanks for being here today. Are there any particular activities going on this month that you’d like to share?”

**Mr. Miles** said, “Actually, like I said, I don’t have any prepared comments. There are a number of things that are going on this month, but none that I have just on the top of my head, so I apologize.”

**Commissioner McGinn** said, “That’s all right.”

**Chairman Winters** said, “Well, we’ll all pay attention and if there is a way that we, our citizens, can participate we’d certainly again encourage people to participate in Black History Month the month of February. Thank you, Kevin. Next item.”

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**NEW BUSINESS**

- B. RESOLUTION CREATING A ROAD IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY AND AUTHORIZING IMPROVEMENTS THEREIN (CRESTVIEW COUNTRY CLUB ESTATES – OVERBROOK 2<sup>ND</sup> ADDITION - 9<sup>TH</sup> STREET PROJECT).**

**POWERPOINT PRESENTATION**

**Mr. Joe L. Norton**, Gilmore & Bell, P.C., Bond Counsel, greeted the Commissioners and said, “This item relates to a proposed road improvement benefit district within the county. The area to be addressed is just east of 143<sup>rd</sup> Street, along 9<sup>th</sup> Street in the eastern portion of the County. This proceeding is undertaken pursuant to Charter Resolution number 42 of Sedgwick County, which was adopted in 1992, which modified the provisions of K.S.A. 68-728.

Under that charter resolution, the Board of County Commissioners has the authority to create road improvement districts in areas of the County, which are divided and laid out, all or in part, into platted lots and outside the corporate limits of any city. This district may be created by the Board of County Commissioners and would comprise property that has benefited by proposed improvements.

The process to initiate these improvement districts can take place in a number of fashions, one of which is by petition signed by property owners in a proposed improvement district proposed to be assessed. The test that we are looking at here defined in the charter resolution is by a petition signed by the owners of record of more than one-half of the area liable to be assessed under the proposal. The County has received a petition that meets the statutory guidelines.

On the screen before you is a map proposing the proposed benefit district. The area outlined in yellow are the proposed road improvements to cul-de-sacs and a portion of 9<sup>th</sup> Street. The area shaded in red reflects the property that has signed the petition, the owners that have signed the petition. As you can see, there are several platted lots and three unimproved tracts. The platted lots are proposed to be assessed equally, with tract number one unimproved to get the same assessment as a platted lot, tract number two to get two shares and tract number three to get four shares. We anticipated that the platting process is in process now on tract number three and that once the plat has been approved, the benefit district will look, in this shape here, with a proposed improvement up to a cul-de-sac for the four platted lots that are currently composed of tract number three. The resolution, if adopted, would then take the four shares that would be assessed to unimproved tract number three and levy them equally among the four platted lots that would result after the plat is approved.

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Jim Weber of Public Works is here with me today to answer any questions that you may have in respect to the proposed project. They have prepared an assessment of cost. The cost proposed to be assessed for this benefit district is under the total project cost line, which is approximately \$379,000. There are 22 assessment units. Each platted lot and tract number one would have a principal component of approximately \$17,222. Of course those with multiple shares have increased amounts, as are reflected upon the sheet there. For each platted lot that would amount to about \$1,773 per year, if spread over 15 years at 6%.

The statute under which this proceeding is initiated does not require a public hearing, although owners of property within the proposed benefit district have received a written notice of the proceedings today and there may be people in the audience that wish to address the commission prior to your consideration of the resolution. With that, I think Mr. Weber and I would stand for questions, now or at the conclusion of your comments or the public.”

**Chairman Winters** said, “All right, thank you. Are there any questions, before we open it up to public comment? Anybody have any questions of clarification? I see none, so at this time again, this does not require a public hearing, but it is usually our custom to take comments from citizens who have concerns, so if there is anybody in the audience that would like to address the commission on our Item B that was just presented, please come forward. Is there anyone in the audience? Please come forward, sir. Please state your name and address for the record and try to limit your comments to five minutes if possible.”

**Mr. Steve Hesse**, 14915 E. 9<sup>th</sup> Street N., Wichita, greeted the Commissioners and said, “This is a new drawing that was not sent to us, because it now includes a modified tract three in the upper part of that, plus lot one does not really abut, and I want to use that word because we had real trouble trying to define that, lot one does not abut the new improvements except by the cul-de-sac and I guess what you’re going to hear from a couple of my neighbors I hope is that the benefit district on this should be spread on a far, far wider basis than just the group in white here.

The developer, in pink, should be made to pay the lion’s share of this, since he is the one that will benefit monetarily for most of it. I really have some other comments, but I think I’ll reserve them for some of my neighbors that are supposed to be here and want to say something. Any questions?”

**Chairman Winters** said, “All right. I see no questions. Thank you, Mr. Hesse. Is there anyone else who would like to comment? Yes, please come forward.”

**Mr. Bob Ramsey**, 940 N. Stagecoach, Wichita, greeted the Commissioners and said, “Just to

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refresh memories, if you don't remember, a few years ago the proposal was made to pave 9<sup>th</sup> Street from . . . well, from the point you see in yellow, back also into the other areas, and at the time it was spread over all the property owners along that area and then in that back area, and I can't remember exactly how many lots were involved, but in any case the issue was that it was . . . the property owners within that benefit district were against the idea and it failed at that time and what I heard in here was that was the last we were going to hear of it.

A week ago, I got my letter and I appreciate being able to come in and talk about it, but once again we have a situation where a developer that is developing nominally half of the area is asking to have everyone in the area pay for development that we didn't plan to make. You look at all the lots along there, most of them are currently uninhabited with houses. A lot of us have bought the lot behind us just so that it will be taken care of. We've paid off the specials. We continue to pay taxes on it, but we don't plan to do anything further with it. Now we're developing it and in my case it's going to hit me for about \$35,000 that really provides no benefit to me.

So I just wanted to make both the history and the situation a little more present to the Commission and let you know that those of us on the south side, I think I can speak for them but I'll let them speak as well, really don't have a benefit in doing this and would rather not. Thank you."

**Chairman Winters** said, "Thank you. Is there any other people that would like to speak? Please come forward."

**Mr. Archie Adams**, 14909 E. Tipperary, Wichita, greeted the Commissioners and said, "I own two of those lots in white also, and in each of those cases along there, I might point out, those lots are just an extenuation of our backyard. That's fenced and part of my yard, and so what it amounts to is the Ramseys and the Browns, our backyards back up to that street. If we could have those, I would gladly make those lots part of my domain there and we don't face that street at all, so what Mr. Ramsey said is exactly right. There is not a resident of ownership there, a single one, that wants that road. The only one that wants that road is that developer and he's asking us to pay half of his way, and that's just not really right.

So, we went through this with them a couple of years ago and they thought at that time that County Commission, I'll just refresh your memory, did approve that road but the citizens did whatever it took, and by the way it was quite an effort. We had to get title of ownership to every lot and it was quite a deal and we voted that we didn't want that and it was over unanimously. So all that we're benefiting is the developer and I don't have any problems with the road, if he wants to put it in, but I don't think I should be paying for it. It doesn't do a single thing for me. I don't have a driveway in from it, you know."

**Chairman Winters** said, "Mr. Adams, one question, I have a question. What's the size of each of your two lots?"

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**Mr. Adams** said, "I have lots five and six. This is these two, right here. Okay."

**Chairman Winters** said, "Okay. And how large are they?"

**Commissioner Unruh** said, "Just over a third of an acre, I think."

**Chairman Winters** said, "A third of an acre, okay."

**Mr. Adams** said, "Right. My house sits right here, on a cul-de-sac right here, so I just back up and I think the Ramseys do the same thing and the Bakers do the same thing. I had that landscaped back there and it's part of my yard."

**Chairman Winters** said, "Okay, thank you very much. Is there anyone else who would like to address the Commission? Yes, please come forward, your name and address please."

**Ms. Candy Ramsey**, 940 N. Stagecoach, Wichita, greeted the Commissioners and said, "I reside on lot one. I'm the first one, I enter from Stagecoach. I have no access to 9<sup>th</sup> Street. I also own lot two, who the first few years we were in our property the taxes were not being paid and we had to continually call to have it mowed. We finally, when it went up for auction again because of back taxes, we purchased it because we didn't like the weedy mess behind us. It was nothing but an eyesore and it was dangerous because someone had left, when they built our house, the contractor left lots of trees out there. We had rats, we had a lot of problems so we decided to fix that. We would go ahead and purchase it and maintain it strictly as a green area. We have kids that come and play in the area, so it's basically like another park, which the Bakers also have places back there for kids to play soccer and it's just a nice green area.

We will reap no benefits from the street going in, because we have no access. We currently come in off of Stagecoach. And I guess the other thing that really bothers me about this is we did go through this a few years back and at that time they decided that it was a dead issue, because there were so many people that didn't want it. Well I feel like this is really being kind of rammed down our throats to no benefit to us. And I really appreciate being able to have this opportunity to tell you. Thank you."

**Chairman Winters** said, "Thank you. Is there anyone else? Yes, please come forward."

**Mr. John Baker**, 848 N. Sandpiper Court, Wichita, greeted the Commissioners and said, "I'm the Bakers that you've already heard about, all of us along the south side have already spoke to. If I

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could, I own lots three and four. This is R.G. Adams, who has already spoken and the Ramseys here.”

**Chairman Winters** said, “And then where would your house be located?”

**Mr. Baker** said, “My house is right here. Actually, these two lots are my backyard and then my house is right here. Everything you’ve heard I’m just basically going to reiterate and I’ll try to make it very short. It is our backyard, so we have no access. That is no benefit to us, 9<sup>th</sup> Street being paved.

The developer comes in, he buys a couple of acres, he’s going to put some houses on it, he wants the road paved for \$380,000 for a road that I’m never going to use. I access my house through Stagecoach and Sandpiper and I don’t use 9<sup>th</sup> Street. If the developer wants to come in and pave that road, his houses or his homes need to pay for that road. There is no benefit to us at all. It is my backyard. I have three boys. As was mentioned, we play soccer, baseball, basketball. It’s our backyard and it would really be a shame to pave that. And as you’ve been told also, we went through this whole thing four years ago and the township came in, they made it a gravel road. There were some issues about Stonegate. It’s the area that’s not on the map. That area, they wanted access to that area for emergency conditions. There is a road there now. It’s a gravel road. It’s perfectly acceptable and maintained by the township. We don’t need to pave it. If the developer wants it paved, he needs to pay for it himself. Thank you very much.”

**Chairman Winters** said, “Thank you, Mr. Baker. Is there anyone else that would like to speak to this issue? Anyone else in the room. All right, well this wasn’t really a public hearing, but we will now close the public comment portion and reserve discussion to Commission. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you. Maybe, Mr. Weber, I can address this to you. Are there differences between the previous attempt to pave this road, the previous application and this one? I mean, what’s different between then and now?”

**Mr. Jim Weber**, Deputy Director, Bureau of Public Works, greeted the Commissioners and said, “I think some of their comments are correct. What happened the last time really is that there was a push, down in the neighborhood to the south, to try to get this paved. It was driven by other property owners.

Based on that, the County Commission took action on their own to create a benefit district and try to get the paving done. As a result of that, it is true that in the neighborhood there were petition

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circulated, as is called for in the charter resolution, to protest out the project if they had more than 51% of the property owners sign the protest petitions, which again was initiated by the County Commission, not by any property owner, then the project would die, and that's what happened.

I believe some of these people, along 9<sup>th</sup> Street, participated in that and protested it because it's a major economic impact for them. This is different in that . . . Joe can give you a more legal opinion, but basically any property owner has a right to petition the County Commission to build this street and so the Commission, honestly, at that time did say 'if this doesn't go, we're done with it'. Well, the Commission is not driving it this time, it's being driven by another property owner and it's not that the Commission wants to get beat up over it or that the staff wants to get beat up over it, but someone is asking for it and it has to be addressed."

**Commissioner Unruh** said, "Thank you. That is helpful. Another question though is the lots that are on the south side of the street, when they were purchased by the individuals now who own them, they were purchased, platted lots at that time?"

**Mr. Weber** said, "All of these lots were included in the plat of Overbrook 2<sup>nd</sup> Addition. As you look to the west side of Stagecoach, you can see those lots six and seven, that is the original Overbrook Addition. That's another subdivision. Overbrook brought in . . . this may be more answer than you want, but Overbrook brought 9<sup>th</sup> Street into this intersection and Stagecoach to the south and then, for example, where Mr. Baker lives, the court coming in across the south side, that was all done in the Overbrook Subdivision. This piece is in Overbrook 2<sup>nd</sup>, a separate set of petitions were submitted, although never used to create the project, to bring 9<sup>th</sup> Street on across. All these lots that you see in this, except for perhaps the two unplatted or the three unplatted tracts were in that original petition. They had an original obligation with the plat to bring 9<sup>th</sup> Street on across to Sagebrush and on down to the south."

**Commissioner Unruh** said, "Well, thank you. I guess what I was trying to understand is if someone bought a lot, platted, would you reasonably expect that the street is going to come there some time, or is that a necessary assumption?"

**Mr. Weber** said, "Well, I don't know. That's kind of like what does the buyer know kind of question. That is . . . the subdivision regulations tell us that these properties have an obligation to bring in street paving to serve the property, as well as sewer and water. These did go generally, and

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I think these people have indicated, some of them have gone through the tax sale and they've picked them up in that way, not through Realtors or other methods and I can't say what they knew or thought they knew when they bought them, but the obligation existed when they bought them because they're platted lots."

**Commissioner Unruh** said, "But to develop along here, the street has to be brought to urban standards."

**Mr. Weber** said, "Urban standards, which is curb and gutter, paved street with curb and gutter."

**Commissioner Unruh** said, "Then one other question and I will yield the floor here, but I would ask . . . there's a question from Mr. . . . I met with Steven Hesse yesterday and he had a question about the calculation of the percentage to get a majority of percentage of this area. And could you repeat . . . I think you went through that maybe Mr. Norton, when you made your presentation earlier, but can you say that again as to how . . . because some of the regulations indicate this has to be done by frontage in calculating that, so would you just make that clear."

**Mr. Norton** said, "Sure. That's one distinction that was modified when the charter resolution number 42 was adopted in 1992. It modified State Statute 68-728. That statute talked about sufficiency being on property abutting the proposed road improvement. The charter resolution removed that requirement and basically leaves to the Board of County Commissioners determination of what property benefits from a proposed improvement, not necessarily have to be contiguous to the actual road that's being improved."

**Commissioner Unruh** said, "So it's a square footage calculation."

**Mr. Norton** said, "It can be square footage per lot, whatever method that reasonably apportions the benefits derived from the improvement to the property it benefited. And one of the things that . . . and I'm not sure whether this is part of your question or not, the calculations of the sufficiency of the petition were done in two methods. As you can see, this screen shows about 51.61% after a plat would be approved. Obviously, that takes property out for this road that goes up to the cul-de-sac to tract three. The property as it currently is configured, unplatted, takes a little less away because that street isn't in there yet and that's 53.64, so we calculated it both before and after the proposed plat to see if it would be sufficient. It's 53, approximately, on this unplatted and 51 after the plat, after the right-of-ways are taken out for the proposed road."

**Commissioner Unruh** said, "Okay, thank you. That's all I have right now, Mr. Chairman."

**Chairman Winters** said, "Thank you. Commissioner Norton."

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**Commissioner Norton** said, "Do we have a broader view of this whole thing, where we can see the streets leading up to it and everything?"

**Mr. Weber** said, "It's small but maybe I can point them out for you. This is 143<sup>rd</sup>, which is the main section-line road. This is 9<sup>th</sup> Street as it exists. If you're familiar with Fire Station #38, it's right on the corner here. This is the piece that we're looking at. Stagecoach then comes south and on into this whole area and then Sagebrush works its way back up in.

This piece, this little leg here which shows up on this map is a part that some of them have spoken about as being in the first project but not being in this project."

**Commissioner Norton** said, "Is it paved?"

**Mr. Weber** said, "No, it's not even a gravel road at this point in time."

**Commissioner Norton** said, "So, to the east it's paved, I mean to the west. "

**Mr. Weber** said, "To the west it's paved, to the 41-foot back to back curb and gutter standard."

**Commissioner Norton** said, "You can go back to the other one real quick. Why is tract . . . Explain why tract nine is not included in this, that's on Stagecoach . . . or Sagebrush."

**Mr. Weber** said, "Okay, that's a good question. Over time, we worked with different property owners to bring the street system up from the south and the last project that brought Sagebrush up in here we did have . . . we included this lot and this lot in the benefit district to bring it clear up to this intersection instead of just stopping down here short. There's a house in fact on this one and I think on this one at this point. And one of the things that we had told the engineer working for the developer was, you know, we don't want to go back and assess anybody who already has an assessment.

So this lot has been assessed. None of these have yet because the street doesn't go back there. These were assessed way back when and all these down here were assessed. So this benefit district is what's left next to 9<sup>th</sup> Street that we're trying to improve that's never been assessed for a street improvement."

**Commissioner Norton** said, "You're telling me that all of the tract one through eight have not been replatted to make one big piece of property. They still are showing as two pieces of property, one fronting on the south side and the other, if they were developed, would front on the north side. Is

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that correct?"

**Mr. Weber** said, "That's right."

**Commissioner Norton** said, "If these folks had taken that and replatted it as one big piece of property, we wouldn't be having this discussion, is that correct?"

**Mr. Weber** said, "I think we would be because they'd still be abutting the improvement."

**Commissioner Norton** said, "So you could get double benefit? I mean you could be charged by two benefit districts?"

**Mr. Weber** said, "You can be, we've just chosen not to set those up, but we have a number of projects we've done where there are several layers of specials that come in for different things."

**Chairman Winters** said, "Commissioner Norton, could I follow up on your line of questioning?"

**Commissioner Norton** said, "Yes."

**Chairman Winters** said, "If each of those lots that are facing 9<sup>th</sup> Street will have, even though they don't use 9<sup>th</sup> Street today, they will have the benefit if they so chose to have a drive onto 9<sup>th</sup> Street or either sell that property and then they would have the benefits. Is there . . . would it be at all possible to put in some kind of covenant or restriction prohibiting them from ever accessing 9<sup>th</sup> Street and then change this? And I guess, you know I've visited with Commissioner Unruh and I can remember now what a struggle we had with this issue a few years ago, because it seems that these properties are so unique, but is there . . . would that then change this scenario or is that even possible to even consider, just restricting? Because if this is . . . we pass this and this benefit district goes through, each one of those lots that faces 9<sup>th</sup> Street will have a \$17,000 improvement to its lot and if the residents so desired to sell those lots, they would have a \$17,000 improvement. If, some how, they were out of the benefit district, then they could turn around and sell them and have a \$17,000 improvement that wasn't assessed to that lot. But with them buying the property, turning it into a backyard, it's just very complicated."

**Mr. Weber** said, "There are a couple of those lots that, through an error, already have houses on them on 9<sup>th</sup> Street. There are probably different types of things that could be devised to restrict use of the lots, the dedication of access control, covenants and those kinds of things but in every one of

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those cases, as far as I know, you can still come back, you can vacate the access control later, you can . . . there are all kinds of processes to undo those things and we don't have any mechanism that we have in place to do a delayed or deferred assessment to come back and collect that special assessment from them later, if they try to convert the use to something else.”

**Chairman Winters** said, “Commissioner Norton, if you want to continue, I’m sorry.”

**Commissioner Norton** said, “Okay, that’s fine. If you took the cul-de-sac road out of there, what would be the percentage? If you were just talking 9<sup>th</sup> Street, the main arterial only, what would be the percentage of petitions signed?”

**Mr. Weber** said, “If you take the . . .?”

**Commissioner Norton** said, “The two little cul-de-sacs out and just talk about what fronts 9<sup>th</sup> Street?”

**Mr. Weber** said, “Well the percentage is based on land area owned, not the frontage.”

**Commissioner Sciortino** said, “Oh, I thought you said frontage.”

**Commissioner Norton** said, “It is frontage, but you’re including a cul-de-sac and that’s not a main arterial.”

**Commissioner Unruh** said, “It’s not frontage.”

**Commissioner Norton** said, “I don’t think they would ever get benefit off on these other properties to that cul-de-sac, now maybe 9<sup>th</sup> Street, so why did we include the cul-de-sac? Did we?”

**Mr. Weber** said, “The cul-de-sac is included in the project estimate.”

**Commissioner Norton** said, “Okay. If we left it out of the project and that became part of the subdivision paving, whether they wanted it or not, it didn’t matter, they get to chose that so that they live on that, but just 9<sup>th</sup> Street, what would the percent look like, on what fronts 9<sup>th</sup> Street, touches 9<sup>th</sup> Street only? You can take out all of tract three.”

**Mr. Weber** said, “Take out tract three. Well, if you take out tract three, you would not have a valid petition.”

**Commissioner Norton** said, “I guess what I’m getting at is if they were going to have any benefit, the benefit would come from 9<sup>th</sup> Street. It wouldn’t come from that cul-de-sac and yet that skews the whole frontage of the whole project, to get their petitions. Am I thinking wrong there?”

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**Commissioner Unruh** said, "The calculation is not based on frontage, according to this new charter."

**Mr. Weber** said, "Well, I think where he's headed is if you don't do the improvement for the cul-de-sac and you take out tract three and then you divvy up the cost for 9<sup>th</sup> Street by itself, what happens? And the answer is you have fewer people paying for 9<sup>th</sup> Street because you take out tract three. You have four fewer tracts paying for it. I don't know the exact answer but the thing kind of . . . costs come down, but you have less people paying for it."

**Commissioner Norton** said, "Clear up for me how you based the 53.64 signed the petition."

**Mr. Weber** said, "If you look at these drawings that we're using, you may not be able to read them, but the little numbers are the land area in each lot or tract and so in this calculation we used all of tract three, and all of the lots below tract three as if this street was not there. That's the way the property sits today, so he has 53.64% of all the property in the benefit district that's not street right-of-way. That's a valid petition today."

Now what Joe had said, we wanted to see what would happen after the plat comes in and then this would no longer be private property but it becomes public property and we do the same calculation, only not including this, anything in yellow. We're using the red and those lots and we're at 51.61% and we still would have a valid petition, if that's the way the property laid today and that was kind of an exercise we wanted to go through to make sure that the platting is not creating a sort of unfair advantage."

**Commissioner Norton** said, "I guess my perspective is that I don't agree that the cul-de-sac which serves the people that live on the cul-de-sac, any of that, should be included in the project for 9<sup>th</sup> Street that these other people are going to have to pay for, and if you took that out, then the percentage of protest would not get even close to petitioning for this improvement. Do you follow my reasoning? If you took out any of that on the cul-de-sac, which doesn't front 9<sup>th</sup> Street. Anything that touches 9<sup>th</sup> Street gets to be part of . . ."

**Mr. Weber** said, "These are not in."

**Commissioner Norton** said, "That's it."

**Mr. Weber** said, "It would be two projects."

**Commissioner Norton** said, "Right."

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**Mr. Weber** said, "But your point is that there's not enough ownership in those lots to get to 51% and just looking at it, I'd have to agree with you."

**Commissioner Norton** said, "What you're telling me is the people that border on the south are not only going to pay for 9<sup>th</sup> Street, they're going to pay for this other guys cul-de-sac up to their houses."

**Mr. Weber** said, "I'm telling you that, but I'm also telling you that you're going to add six lots that are going to help pay for 9<sup>th</sup> Street, as well as the cul-de-sac."

**Commissioner Unruh** said, "I think probably if you add all those together it's probably about a push so if you include it or don't include, because you've got more people paying."

**Commissioner Norton** said, "But the more people paying aren't going to ask for that to be paved, that's the problem. If the balance goes the other way, they're not going to ask for it to be paved and they ain't going to pay for it. I'm done."

**Chairman Winters** said, "Thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "Right now, the way it sits today, and I'm asking either Joe or Jim or anybody that wants to jump in, because I remember how contentious this thing was the last time it came before us and I believe that the property owners bought the land, they were able to get the land probably fairly reasonable and I believe them that what they did was beautify that and extend their backyard, but legally, technically, they could sell that rear section off, since it's a separate plat from where their homes are sitting. Is that correct?"

**Mr. Weber** said, "Correct."

**Commissioner Sciortino** said, "So there could be an argument that some time down the line, there's a changed economic situation or whatever, the only benefit I can see is that technically they would have the right to sell that rear section off and somebody could buy it with the road there that they can ingress and egress and put a house on it or whatever and that would be, other than just selling the back section and there's no way to get in and out of the property. So, is that correct, that technically that is a benefit for that."

**Mr. Weber** said, "Yes."

**Commissioner Sciortino** said, "I have to say, I kind of think that what Commissioner Norton is

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saying makes a little sense. I don't . . . even if I had a house on 9<sup>th</sup> Street, I think I'd be pitching a fit as to why I had to pay for the cul-de-sac to be built, because I'm probably not going to drive up there unless it's just to visit a friend that happened to buy a house up there. I'm certainly not going to need that for any ingress or egress to my home.

The other argument is if 9<sup>th</sup> Street needs to be paved, it's of benefit to have the other people helping pave it, but I suspect that if somebody petitioned for 9<sup>th</sup> Street to be paved, the majority of the people would say, 'No thank you, we want to stay alone'. I want to listen to again what Commissioner Unruh has to say."

**Chairman Winters** said, "I have one more question. Who approves the benefit district?"

**Mr. Norton** said, "The Board of County Commissioners."

**Chairman Winters** said, "And is that part of the process, what we're doing today?"

**Mr. Norton** said, "That's part of the process. In other words, if a petition is submitted signed by 100% of the property owners, you're not required to accept the petition and create the benefit district. The decision to create a district and make an improvement is yours."

**Chairman Winters** said, "Right. So even though . . . Okay, thank you. That answers the question. Commissioner Unruh."

**Commissioner Unruh** said, "In my conversations with some of the property owners, their comment basically is they don't mind if 9<sup>th</sup> Street is paved. It's not that they want to keep it a dirt road and I think that's correct, it's just that they think that the distribution of the cost for that is not fair and it seems like it's just to the benefit of the developer.

On the other hand, you can't develop any of those lots on the south side or the north side without a street in there. Is that correct?"

**Mr. Norton** said, "That's right."

**Commissioner Unruh** said, "So one of the reasons for having a street is just to continue the development and the growth of the area because it's urban, it's an urban density scale right now, correct?"

**Mr. Norton** said, "Correct."

**Commissioner Unruh** said, "And is there a way to spread the cost then, or does that just destroy

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the benefit district and change the numbers to such an extent that to get the street paved, if we spread the cost into some other area then we're going to lose our percentage. Is that . . .? I mean, there's no way to spread the costs, I guess is the main question."

**Mr. Norton** said, "There's only two ways to spread assessments on public improvements. One is to receive a petition by a majority of the property owners, or the other is like what happened about four years ago, when the Board of County Commissioners said it makes sense to pave this street, but a lot more people ought to pay for it and then those people have a right, if more than half of them protested out, then the project can't go forward and the assessments can't be. So one of those two methods have to occur."

**Commissioner Unruh** said, "Okay. And the street, as proposed, 9<sup>th</sup> Street coming in there is a wide street, right?"

**Mr. Weber** said, "9<sup>th</sup> Street is a high standard of collector. It's 41 foot, back to back, on the curb."

**Commissioner Unruh** said, "And so the improvement, the estimate of the cost is based on that 41."

**Mr. Weber** said, "Is based on that standard."

**Commissioner Unruh** said, "And is there a different standard?"

**Mr. Weber** said, "There are lower collector standards and in fact Sagebrush, coming up over here, I think that one is a 35 foot back to back. Standard residential street, like this cul-de-sac coming in, is 29 foot back to back, so this is a narrower standard of collector back in there."

**Commissioner Unruh** said, "And so does it make sense to make this road a 35 foot road, is that what you said?"

**Mr. Weber** said, "Thirty-five I believe, want to verify that in the field, but it's 35 or 37."

**Commissioner Unruh** said, "I mean, how much influence will that have on the cost of the project?"

**Mr. Weber** said, "It would . . . We don't have an estimate for doing it, say 35 feet wide, but we would take off for this distance we would take off six feet of pavement with about 15% of the

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pavement width. It wouldn't help us in here or here and it would help us on (*coughing*) but it might . . . it would reduce the cost if we narrowed it up.

The plat was approved with a 41-foot back to back, but I think if . . . I'm comfortable with doing the narrower standard, if the Commission would direct us to do that, sort of deviate from that platting requirement. I don't think that would cause a problem in this neighborhood."

**Commissioner Unruh** said, "And when it turns into Sagebrush, it would be the same size as that street and you'd just have to narrow it down where it hits 9<sup>th</sup>."

**Mr. Weber** said, "We'd have to get with the engineers and we'd neck it down right in where the intersection is at."

**Commissioner Unruh** said, "But from your perspective, that's a reasonable alternative?"

**Mr. Weber** said, "I think it would be a reasonable alternative for traffic in this area and to shave the cost of this project by some amount."

**Commissioner Unruh** said, "Okay. Well that's all I have right now, Mr. Chairman."

**Chairman Winters** said, "Thank you. Commissioner McGinn."

**Commissioner McGinn** said, "I just need confirmation. The benefit district would be created today and it would look like that, if we would go forward."

**Mr. Norton** said, "Correct."

**Commissioner McGinn** said, "How come the benefit district doesn't take in the rest of the properties that would benefit?"

**Mr. Norton** said, "You mean, going further to the east, for example?"

**Commissioner McGinn** said, "Yes."

**Mr. Norton** said, "Because we have not received a petition requesting that benefit district be created."

**Commissioner McGinn** said, "Okay. Thank you."

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**Chairman Winters** said, “Well, I’m still trying to think.”

**Commissioner Unruh** said, “Well, Mr. Chairman, we have what, probably three alternatives: approve it, deny it or delay it or defer it, whatever the right word is.”

**Chairman Winters** said, “Well I guess the question I . . . Is that a new question for you?”

**Commissioner McGinn** said, “I was just going to say, if it’s helpful in its present form I would be denying this today, if that helps you work through your other choices.”

**Chairman Winters** said, “Well, I guess the question I had, and Joe and Jim, I would assume if you had a better answer, I mean I would say that what I am not enthusiastic about is the composition of the benefit district and I don’t know if there are other alternatives for the developer in configuring the benefit district, but to me this is, I mean, a very conflicting issue and I certain . . . I mean, we don’t want to hold up the process and 9<sup>th</sup> Street needs to be paved, but are there any other alternatives that the developer could use? I mean, it looks like to me this is a relatively small number of lots in a development. Does he need to perhaps plan a bigger strategy for a bigger development, more lots, do some kind of arrangements for folks that are backing up on 9<sup>th</sup> and never be able to be on 9<sup>th</sup>? Are there any other options in your mind?”

**Mr. Norton** said, “Well I think as Jim indicated, these properties here already have a road down here and have been assessed for that. The only property along this area that had . . . this area back in here basically are large horse farm type tracts back in here. Now whether they’d be interested in developing in the future, I have no idea. And this property in here is platted to a certain extent but there is no development. Whether this developer could make a deal with other people to go forward, I mean that’s a business they would have to make. I’m not sure what the answer would be. Obviously, this down here is platted. Some property is developed, I believe they’re houses, on these two lots. The other ones and a house here, these are the backyard areas as described. All this area down in here is already developed, street, sewer, I mean there are hundreds of homes down in this area.”

**Chairman Winters** said, “Commissioner McGinn.”

**Commissioner McGinn** said, “That was from last time.”

**Chairman Winters** said, “Commissioner Unruh.”

**Commissioner Unruh** said, “Well, I think I’m ready to make a motion, unless there are other comments that Commissioners want to make, but it seems like we’ve kind of talked about a lot of

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the issues here. It's not going to develop unless we have a road in and everybody agrees that. Everything seems to be legally in order, as far as the petition, the percentages and so forth but I don't sense there's any sort of comfort level here among the Commissioners with thinking about whether we want to approve or deny. I know that I've talked with the developer and he's very eager to move this thing forward.

It seems to me, however, that the appropriate thing right now is to defer this and maybe give Mr. Weber and our Public Works Department a chance to calculate what the numbers . . . how the numbers change with the smaller road, a narrower road and so I would move that we defer this until, I don't know how long it would take to do that. I don't know if you need to put a time in that or just said defer it."

**Chairman Winters** said, "Let's just say two weeks."

### **MOTION**

Commissioner Unruh moved to defer this item for two weeks.

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, "I have a Motion and a second to defer this for two weeks. Commissioners, is there any discussion on the Motion? Commissioner Sciortino."

**Commissioner Sciortino** said, "And I think Commissioner Unruh is doing the right thing here, because this is not a very . . . this isn't a slam-dunk, simple process here and maybe it will give staff some time to figure out . . . I'd like to see how much real financial impact might be to a 35-foot road as opposed to a 41-foot road. Maybe the developer might be willing to put a little bit more into the commitment on his end of it to make it more palatable to the citizens and then we could make a final decision based on that new information that's coming. So I'm very comfortable that we're going to defer this for a couple of weeks to get that information. Thank you."

**Chairman Winters** said, "Okay. We have a Motion and a second to defer for two weeks. Any other discussion? Seeing none, Madam Clerk call the vote."

### **VOTE**

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Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “All right thank you very much, Jim and Joe and thank you all who came to the meeting to visit with Commissioners about this. Madam Clerk, call the next item.”

### C. ENVIRONMENTAL RESOURCES DEPARTMENT.

#### 1. CERTIFICATION OF MIDLAND REFINERY COMPANY’S PERMIT APPLICATION FOR A SOLID WASTE PROCESSING FACILITY/RECLAMATION FACILITY, TO BE SUBMITTED TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.

#### OVERHEAD PRESENTATION

**Ms. Susan Erlenwein**, Director, greeted the Commissioners and said, “The Kansas Department of Health and Environment requires any solid waste related permit to come before the local governing body to determine if it’s consistent with our local solid waste management plan. Today we have a permit for solid waste processing permit from Midland Refinery Company.

If you look at the map, Midland is located here, which is north of Wichita. It’s actually in the Park City city limits, at 5755 North Broadway. Midland receives oil from a variety of facilities and recycles used oil. This is an aerial photo of their property. Here we have Broadway. Here’s the main property boundaries of the facility and here you can see the tanks.

They use 16 tanks located on the east side of this tank farm. Oil is brought in from the facilities, they distill the water off of the oil and then the oil is taken to a kiln up in the Kansas City area for recycling.

The Solid Waste Committee reviewed this permit at their meeting last week and agreed that it is consistent with our local solid waste management plan because our plan stresses recycling and that’s what this facility does.

The state, even though this facility has been in business for a number of years, now requires facilities such as this to receive a solid waste processing permit. So they’ve been in business but

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now they're caught under this new umbrella of requiring a permit from the state.

It is consistent with the plan, according to the committee. They recommend that you approve it as consistent with the plan. I'd be happy to answer any questions and there's also a representative for the company here who would be happy to answer any questions."

**Chairman Winters** said, "Okay, thank you. And Susan, I'd assume that the staff is recommending approval also?"

**Ms. Erlenwein** said, "That's correct."

**Chairman Winters** said, "All right, thank you. Commissioner McGinn."

**Commissioner McGinn** said, "I was just curious, is this located over the north industrial corridor pollution site?"

**Ms. Erlenwein** said, "The 57<sup>th</sup> Street North? Yes it is."

**Commissioner McGinn** said, "Okay, it is, okay."

**Ms. Erlenwein** said, "It's not the north industrial. That's down at 29<sup>th</sup> but this is a different one."

**Commissioner McGinn** said, "It's the one in between, okay. And you feel comfortable with the closure procedures that are in our backup."

**Ms. Erlenwein** said, "Yes, I am."

**Commissioner McGinn** said, "Okay. Thank you."

**Chairman Winters** said, "Are there any citizens, interested citizens who are interested in this item who are here and would like to address the commission on this item? All right, seeing none, Commissioners we have the application of Midland Refinery permit. What's the will of the Board?"

## **MOTION**

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Commissioner McGinn moved to find the Application consistent with the Sedgwick County Solid Waste Management Plan, and authorize the Chairman to sign the Certification.

Commissioner Unruh seconded the Motion.

There was no discussion on the Motion, the vote was called.

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Thank you, Susan. Next item."

**2. PRESENTATION REGARDING SOLID WASTE WORKSHOP II.**

**POWERPOINT PRESENTATION**

**Ms. Erlenwein** said, "This is the second workshop on solid waste for the commissioners. The first workshop reviewed general information on various waste materials generated in Sedgwick County and how they are managed. At that workshop several questions came up and I'd like to review a couple of those with you right now.

There was one question concerned with curbside recycling and dealt with what if we changed our system to a mandatory pay/ voluntary participation for curbside collection of recyclables, what results could we expect from that? Well many communities across the nation have that system and they have found, through case studies, that in the first year of implementing this you have 60% participation and typically the participation rate goes up from there in subsequent years. For our community, 60% would mean 45 tons per day recyclables collected through this system.

Another question dealt with what do surrounding counties in our part of the state do with their waste management. For example, Greenwood County has roll-off containers that trash is placed in and those containers are directly hauled to Allen County. That brought up questions about Allen

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County and as you can see, Allen County receives 94 tons of solid waste per day at their landfill. In receiving this they have 11 counties that have contracted with them and the price of the contracts range from just over \$19 per ton to just under \$22 per ton through those contracts. If trash is brought in from a county that is not contracted with Allen, that county would pay \$42 per ton for this service.

And then there was a question about surrounding counties to Sedgwick County and the ownership of their disposal facilities and are there any government subsidies. Well, all of the surrounding counties do have a disposal facility or publicly owned, whether that's a transfer station or a landfill.

As I just mentioned for example with Greenwood County, not every county has a disposal facility. Some of them have direct haul. Those that do have direct facilities can subsidize through general taxes or fees and some of them do. Now later in the workshop II presentation, I'll go into this in more detail.

And in this workshop, I will be reviewing information with you on: federal and state regulations pertaining to landfills, permits and licensing required for landfills, zoning issues on these landfills, what other counties do, as I just mentioned and solid waste related programs and estimated costs for those programs.

So let's first start with federal EPA regulations and location criteria. EPA has developed minimum national standards for municipal solid waste landfills and those are called Subtitle D regulations. There are six main categories for these regulations. One deals with locating a municipal solid waste landfill. Another deals with the design and another with the operation of that landfill. Groundwater monitoring wells must be placed to make sure that the landfill is not contaminating and if it does, correction action must be taken and when the landfill is full there is a closure plan and a post-closure care for 30 years after the landfill is completed. Then finally a financial assurance to make sure there is money to pay for all of the things I just mentioned.

So, let's start with the location criteria. The owner of a landfill must demonstrate that the landfill meets certain criteria for locating that landfill. One of those, for example, is airport safety. The owner must demonstrate that the landfill won't pose bird hazards to aircraft in the area. Another is flood plains. The EPA really does not want a land fill built in a 100-year flood plain. There is

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always some exception if that would happen. Then you would have to demonstrate that the landfill does not impede the flow of the water in a flood or the storage of the water. EPA would prefer that wetlands are not disturbed in the building of a landfill and again, there's some mitigating circumstances where if that has to take place, other land could be set aside as a wetland area to compensate for that.

Unstable areas refers to landslides and sink holes. If you were building a landfill in such an area, one would have to demonstrate that it is structurally competent to withstand any of these movements. On fault area criteria, EPA does not want a landfill built within 200 feet of a fault line that has been active in the last 10,000 years. And on seismic impact zones, this has to do with earthquakes, if you build a landfill in a seismic impact zone you must demonstrate again that the structure would withstand the earth movement. Many people would think of California or Alaska in this case, but actually we are caught in a minor seismic impact zone. The last earthquake felt in Wichita was 1948, so even though they're minor in our area, that still has a slight impact to us.

Kansas, like all other states, is allowed to add criteria to the federal regulations and Kansas has added a protection of surface public water supplies and also navigable streams and Kansas Department of Health and Environment are currently working on new siting regulations but we're not sure when those will be done or what those will be about.

So how does all of this affect Sedgwick County. We have developed some maps to show some of these regulations. This map of Sedgwick County shows the Kansas regulations. The long blue line is showing the navigable river scenario where the state says you cannot build within half a mile of a navigable river. Now according to Kansas Department of Health and Environment, the Arkansas River is navigable. That may be in question to some, but that's what they determined, so this blue line is one mile wide, showing half a mile on either side of the river. The blue circle over here is the surface water intake for Cheney. You're not to build within one mile of that surface water intake.

This map shows in blue all of the 100-year flood plains according to FEMA. So every place in blue would be caught in the regulation about not building in a 100-year flood plain. As you know, we've had quite a few floods recently and FEMA is looking at our area as well as with others to determine if they need to add more blue areas to these maps.

And this map deals with the aircraft criteria. Now there's several criteria for aircraft. EPA says you cannot build a landfill within 5,000 feet of a runway that services piston aircraft, so those are the smaller blue ovals and circles you see on this map are the ones that only serve piston aircraft. There's another rule that says you cannot build within 10,000 feet of a runway that services turbo-

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jets, so those are these larger blue ovals and this one on the east side kind of runs together because they overlap due to the airports.

And then the red slashed areas is another rule that says if you build within five miles of a public airport you must notify the FAA and the airport involved and they become part of this permitting process and they have input. This information on the map was provided to us from the FAA.

And this map combines all the previous maps, so you have the flood plains on this map, the airports, the navigable river and the surface water intake. Now what this means is that any area in white would have less criteria on it from the criteria we mentioned and would, essentially, be easier to site a landfill. The areas with colors on it, blue or red, would have more hoops to jump through. It doesn't mean you can't put a landfill there. It means that you're under one of these criteria, you have to work with Kansas Department of Health and Environment or others more to try to site a landfill in these areas.

And once you pick a site, there is some other criteria, such as the wetlands I mentioned, you'd have to look at that at that particular site, endangered and threatened species, are there historic sites, so there's a list of criteria that is site specific.

So as you can see, between the EPA and the state, they have quite a few criteria that someone would have to address when siting a landfill.

Another criteria that EPA has on municipal solid waste landfills is the operating criteria, the receipt of a hazardous waste. The operator must develop a program to detect hazardous waste and prevent it from coming in. Now this is regulated hazardous waste, so household hazardous waste is not included in this regulation.

Another criteria deals with vectors and vectors is a term used for animals that transmit diseases, such as rats or rodents or mosquitoes and these animals might be attracted to a landfill due to the food or habitat that's available. One way to help control that is through cover material. EPA requires six inches of cover material put on the working area which is the area just receiving the trash, at the end of every day and that helps keep these animals down.

Another criteria deals with air quality. Landfills produce different gases, one of which is methane, so the operator must monitor for gas emissions and also monitor for the build up of methane, because it can be an explosive gas. The operator must control access to the facility, and this is usually done through fencing around the facility and a locked gate and when the gate is open, the operator must make sure that people are coming in appropriately and leaving appropriately.

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As the trash is being deposited on the working face of the landfill, they must build an area to keep the storm water from running onto the trash or running off of it and this is to protect the surface waters in the area, to make sure that contaminants are not flowing off of the landfill.

Liquids are not supposed to be taken into a landfill and this is referring to bulk liquids, such as liquids in drums or a truck that might have liquids like pumped out of a septic tank, so liquids are banned and again the operator must detect these. And all of this involves a great deal of record keeping. The operator must keep track of the training of employees, the tonnage of the materials coming in. If they are permitted for special waste, such as asbestos, they keep track of that and where it's buried at the landfill, so there's quite a bit of record keeping involved in all of this process to make sure it's done correctly.

Design criteria is also important to EPA and in the Subtitle D municipal solid waste landfill design, one of the things required is a composite liner. And in this picture you can see a plastic layer on this landfill that's being built. The composite liner refers to a plastic layer 30 to 60 mils thick, 60 mils is about the thickness of a quarter, and under that is two feet of compacted soil and it's typically clay because it's a low permeability, that keeps the water from going through it quickly. So you have the composite liner with plastic and basically two feet of clay underneath.

On top of this is a leachate collection system, and leachate is a term used for water that is coming into contact with the trash. Typically, gravel is put on top of this plastic liner, along with the drainage system to take that water off of the area and my next diagram helps show that. This is your Subtitle D landfill. The brown area underneath is your two feet of compacted clay. The black line above that is your plastic liner. The blue area is your leachate collection, as I mentioned typically gravels and the circles are the drainage pipes. This is showing waste area in green and a gas extraction pipe, which is mainly for your methane.

This is showing a closed landfill and typically landfills, depending on the size and the amount of trash received, lasts about 30 years or so. So after they've reached their life, then the landfill must be capped appropriately to try to keep water from coming in. You notice the curvatures that try to have the storm water run off of the area, so it doesn't soak in as rapidly.

Now the design also includes groundwater monitoring. Around the landfill, you would have monitoring wells to detect if there's any contamination that did make it through the system and those must be sampled at a regular basis. If any contaminants are detected, more wells will have to be placed in to determine what the contaminants are and how far they have spread and then EPA requires a correction action program based on the type of contaminant to address this issue and clean it up.

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And then, once the landfill reaches its life and it's full of trash and closure occurs, there has to be a final cover over the facility, as that previous diagram showed. The landfill must be monitored for a minimum of 30 years after the last piece of trash is received at the facility and some of the things that the owner of the landfill would look at is cover integrity, making sure that trees aren't starting to grow on the cap and the tree roots would go through that surface cap and hurt the integrity and allow water to go in quicker. They must continue to monitor the groundwater to make sure there is no contamination and if there is, then they would have to address that problem. Methane gas could pull and build up in areas so they must continue to monitor the methane gas and the levels and any leachate management that might be necessary.

And then, as I mentioned earlier, financial assurance to make sure there is money to pay for all of this, especially at the end, after the company has received money through the life of the landfill, there must be money for the closure of the landfill, post-closure care and corrective action, so if contamination occurs, there's money to clean that up, and if there's contamination, that would extend that 30 years and make it even longer for the post-closure care.

All right, who makes sure all of this happens correctly is the Kansas Department of Health and Environment, through the permitting process. When someone wants to build a landfill, they have to fill out an application and in our state it goes to Kansas Department of Health and Environment. They want to have a site plan, they need engineering studies, they want to know the design of the landfill, road conditions, they want operating plans and closure plans and the financial assurance, everything I just mentioned has to be turned into the state for their approval, to make sure it is done correctly.

Additionally, if we wish, as a local governing body, we could add local permits or licensing, just like we did with the transfer stations or construction and demolition landfills. We added our own rules. We could do the same if we so desired.

Also there's some zoning issues related to landfills. Landfills can be placed in areas zoned rural residential or industrial, but which ever one they're placed in, they need a conditional use permit and they're subject to platting. I've discussed this with Planning Department staff and they would require a site plan with roads placed on it, where the scale house is, setbacks from property lines and anything else they might require. So it has to go through local zoning. And when this happens as well as with the permitting for Kansas Department of Health and Environment, there would be public hearings on this property.

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Now onto a regional concept that I touched upon at the beginning, questions have been raised as to what do counties do in the south central part of our state that surrounds Sedgwick County. One thing to consider is the current disposal mechanism, do they have transfer stations or landfills or no facility, what sort of tonnage do these facilities receive and what are their tipping fees and are there any government subsidies? Do they have long term contracts with other governments or private companies and what distance do they haul the trash, if they haul the trash. So this map shows what type of facilities the counties have.

In red, you see the letters 'TS' and that's transfer station, so any county you see in red has a transfer station. Then, we could determine the tonnage per day, it's listed, and the cost per ton is listed. Also in green are the counties with municipal solid waste landfills and you can see that's Reno County and Butler County. And in blue are the counties with drive haul, meaning they do not have a landfill or transfer station. Instead, the material is directly hauled, when it is collected, to some other county.

And we talked about government subsidies, if you look up at Reno County, you can see they have 336 tons per day back in 2002 and they are funded through the general fund, which are the taxes. What this means is if you live in Reno County and generate waste there, there's no tipping fee at the landfill. If it's brought in from another county however, they do charge. An example of that is McPherson County. McPherson has a transfer station that's publicly owned. They have contracts to take waste to Reno County for \$25 a ton or the Salina landfill for \$27 per ton. That's the cost they incur at those landfills. However, the transfer station itself is subsidized through property taxes. They told us that residents pay \$85 per year on their property tax to subsidize the operation and building of a transfer station. Businesses pay \$110 a year, plus there's a volume calculation, since not all businesses are equal. Now that's for disposal. Additionally, there's a charge for the collection of the material and that's placed on the residents and business utility bills. Residents pay \$5.85 a month on their utility bill for the collection of trash and businesses pay \$10.50 per month. So this is an example of what one community does to subsidize the disposal.

This map shows what we talked about earlier, public or private ownership of the facility or if they do not have a facility, and the colors on this shows how counties are grouped together for solid waste planning. If the county is in white, they had an individual solid waste plan and did not join other counties in their planning development. But for example, north of us in McPherson, Marion and Harvey Counties, the pink area, they joined together in developing a solid waste plan. While west of us, Kingman, Reno and Rice County joined together. Harper was part of counties that aren't shown on this map, but listed to the west Kiowa, Pratt, Comanche and Barber. So when a county changes how they manage the waste, either they have to split off from those other counties

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and develop their own plan or they change the overall plan and work with the other counties to do that.

This map has a lot of arrows on it, and that's showing the flow of trash in our part of the state. The arrows are showing where . . . they start where the trash is generated. As I mentioned earlier, McPherson goes either up to Salina landfill or down to the Reno landfill. Sedgwick, you can see, goes up to Topeka or down to Oklahoma. And here's a good example, Elk County direct hauls and so does Chautauqua to Cowley County and it goes to the Cowley County transfer station, which then goes down to Meno, Oklahoma, where Sumner goes down to Meno, Oklahoma. Where Harper goes over to Barber. So you can see there's quite a bit of movement of trash in our part of the state, as it goes from one facility to another.

Also on here are distances where we could give them from a transfer station to a particular landfill. For example, Marion goes 137 miles from there up to Jefferson County, which is just off the edge of this map. So the numbers indicate the distances of transfer.

Questions have been raised on what if people were to bring their trash to Sedgwick County if we built a landfill, and of course with direct haul we can't give numbers, because it's from all over the county, but with those with transfer stations, we're showing numbers on if they were to go to a landfill in Sedgwick County, how far would they have to travel, and depending on where the landfill would be placed in Sedgwick County, obviously these numbers would vary.

And then the next map shows is that closer than what they're currently traveling or further. If it's . . . the areas in red that shows the distance would be greater to bring the trash to a landfill in Sedgwick County than they're currently traveling. If it's in green, it shows that the trash transfer would actually be closer to bring one to Sedgwick County. And again, it depends on where the landfill would be located as to exactly what those distances would be. So I hope that gives you an idea of what some of the surrounding counties are doing and what the flow of trash is."

**Chairman Winters** said, "Susan, we have a question of clarification."

**Commissioner Sciortino** said, "Could you go back a couple of slides. I'd like to know how much Kingman pays per ton at the transfer station in Sedgwick County. I think you had that there."

**Ms. Erlenwein** said, "Kingman is in contract . . . the City of Kingman, basically, is in contract with Waste Connections to collect their waste and they bring it to Sedgwick County and they would be paying the tipping fee at our transfer station, which is \$40 a ton. I'm not sure what agreement they have with Waste Connections as to what the cost is in that county. I could look into that for you, but that would be a contract between them and Waste Connections."

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**Commissioner Sciortino** said, "Okay. Okay, so they're paying \$40 a ton . . . they're the hauler, right?"

**Mr. Erlenwein** said, "Waste Connections is the hauler."

**Commissioner Sciortino** said, "Now when you said Kingman, you don't mean Kingman County, you just mean the City of Kingman?"

**Ms. Erlenwein** said, "The City of Kingman has a contract."

**Commissioner Sciortino** said, "But what about Kingman County?"

**Ms. Erlenwein** said, "That's basically coming here as well, but the contract is with the city."

**Commissioner Sciortino** said, "Okay. Just for my own personal edification, not today, would you get me those, if that's public information."

**Ms. Erlenwein** said, "I will look into that and see what I can get for you."

**Commissioner Sciortino** said, "Thank you."

**Commissioner Norton** said, "So in that case, we're importing trash?"

**Ms. Erlenwein** said, "That's correct. And when we did a waste analysis at Brooks Landfill, about five years ago, when we did that and we questioned people at the scale house when they came in, we were importing trash back then as well from different areas."

**Commissioner Sciortino** said, "Okay."

**Ms. Erlenwein** said, "On solid waste related programs, questions have been raised as to funding of those programs and could that be accomplished through tipping fees. And these programs listed are estimates of what it might cost to run this program. These numbers could go up or down, depending on how we would implement a system, would we contract with one or more companies to provide the service. So I want you to realize, these are estimated numbers.

Let's start with curbside recycling, for twice a month collections of homes in incorporated areas, an estimated number of \$2,800,000 annually to provide that service. Beneath that, there's a gray box

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and that gray box is showing costs per ton for different landfills, so the left side TPD is tons per day and the 140 is the size of the landfill, so that would be 140 ton per day landfill which is a small landfill. As you go down, you'd have 200 ton per day landfill, increasing up to 2,000 ton per day landfill, which would be a rather large landfill.

So the cost to provide curbside recycling is next to that and you see the \$54 number. That's \$54 per ton. Now this is just to pay for the recycling. This is above the cost of operating a landfill. So 140 ton a day landfill would cost \$54 per ton to pay for this curbside recycling program, if the cost was \$2,800,000. And I'd like to point out also that these costs numbers are rounded to the nearest dollar to make the slide easier.

A 1,200 ton per day facility would cost \$6 per ton to provide this service and I think it's obvious that the more volume you have, the less it costs per ton for the same program, because you're distributing the cost over more volume, more tonnage, so it brings the cost down per ton.

Another potential program is bulky waste collection. Across the nation, you have communities that provide this service and what it is is curbside collection of large items, such as appliances or TVs or sofas, items that people may not have a pickup truck or a trailer to take to the disposal facility, but they can get it out to the curb. Roughly, a million dollars, again this is an estimate, a year to pick up bulky materials twice a year from the curbside, 140 ton per day landfill would cost \$20 a ton to provide this service. 1,200 ton per day landfill would cost three dollars a ton to provide those services. And you can see the other numbers listed in that gray box, so again you can see the smaller the landfill, the more it would cost per ton, the larger the landfill, you're distributing it over a larger volume.

**Chairman Winters** said, "Susan, we have a question on this slide."

**Commissioner McGinn** said, "Where did you get your cost figures?"

**Ms. Erlenwein** said, "When we looked at these costs, one of the things we did is look at the current costs being charged to residents for curbside recycling and estimated that if it was a contracted system, that would increase the efficiency and lower the cost. And then we looked at the number of households in the incorporated area to calculate our costs, to get the 2,800,000 estimate."

**Commissioner McGinn** said, "So it's the cost of what haulers are charging this community."

**Ms. Erlenwein** said, "But we did lower that for an efficiency factor, that's correct. And even if you

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look at what's being charged now, there's a wide range of what haulers charge today and some of them collect once month, some collect twice a month, the type of materials collected vary so there's a lot of variances in this that will effect this cost. This is a rough estimate, just to give you a ballpark idea for comparison. If you were to go with this, we'd have to do in-depth research to determine accurate numbers."

**Commissioner McGinn** said, "So it's their estimated costs."

**Ms. Erlenwein** said, "Right."

**Commissioner McGinn** said, "Okay, thank you."

**Chairman Winters** said, "Is that it? Thank you. Commissioner Sciortino, you had a question."

**Commissioner Sciortino** said, "That's a very good question that Commissioner McGinn had. I'd like to have a follow up on it. What did you assume the reduction at curbside would be, if the county was subsidizing the entire program? What percentage of reduction did you assume in these figures?"

**Ms. Erlenwein** said, "Actually, we did a 50% reduction."

**Commissioner Sciortino** said, "Okay, so did the industry say that that was reasonable assumption, because I've always been told the main cost is getting the truck and driver in front of the house, regardless if they've picked up anything or not. Is the only advantage to them would be that the county would be paying the bill, as opposed to them having to bill 118,000, they're billing one person. Did they agree with that assumption?"

**Ms. Erlenwein** said, "We discussed it. There was not an agreement but in the discussion, one thing we did look at is the efficiency, if you were to contract out with one or two haulers for the whole community."

**Commissioner Sciortino** said, "So we're talking about franchising."

**Ms. Erlenwein** said, "But there is an efficiency factor there, picking up every home, where right now because there might be one or two homes per block, there's an inefficiency factor. This . . . and if you were not to include that factor, that price would go up."

**Commissioner Sciortino** said, "Dramatically."

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**Ms. Erlenwein** said, "Yes."

**Commissioner Sciortino** said, "Okay, thank you."

**Ms. Erlenwein** said, "You have a question, Commissioner?"

**Commissioner Unruh** said, "Yeah, if I might just follow on Commissioner Sciortino, then the 2.8 million dollar number you got, that represents all the houses in the county at approximately \$25 a year?"

**Ms. Erlenwein** said, "That represents the houses in the incorporated areas because if you started going out to the unincorporated, that would drive the cost up due to the mileage."

**Commissioner Unruh** said, "But that's the total cost of the program."

**Ms. Erlenwein** said, "That's correct."

**Commissioner Unruh** said, "Okay, thank you."

**Commissioner McGinn** said, "Before you move on to the next slide, and have you talked about free dump day? Okay, I'll let you do that first."

**Ms. Erlenwein** said, "Okay. The third program on this slide is free dump days. As you may recall, when Brooks Landfill was open, the city provided two free dump weekends, one in the spring and one in the fall, for residents only, not business, to bring material that weekend for free. But as we know, there's a cost involved in that. It may be free for the person bringing it in, but the price of that was collected the rest of the year through the tipping fee to pay for that program.

One of the costs that I have up here is a dollar per ton, and that's the cost that the state has for every ton that goes into the disposal facility, the state gets one dollar of that. So all the trash you would collect at a free dump weekend, you still have to pay the state that dollar a ton, plus you're still paying for all of the operating costs of that weekend and paying off the building of the landfill and closure costs, everything else we mentioned.

So for 140 ton per day landfill, you'd have to collect \$3 per ton rest of the year to pay for those two free dump weekends. Or if it was a 1,200 ton per day facility, you'd be collecting 50 cents per ton

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rest of the year to pay for those weekends. Now I'm done with that slide."

**Commissioner McGinn** said, "And I'm good now. You answered, thank you."

**Ms. Erlenwein** said, "All right. If we were to look at possible revenue, now we just picked a two million dollar number. If a government wanted to collect revenue off of the tipping fee and wanted \$2,000,000 a year, you put any number you want up there, \$1,000,000 or 4. Estimated cost, and these are rounded numbers, 140 ton per day facility would be around \$39 a ton to generate \$2,000,000 a year, or 1,200 ton per day facility would be \$4 a ton to generate that money. So again, this could vary.

But now, the next slide combines everything and let me slowly walk through this, because it has quite a bit on it. Landfill program costs at or below \$39 per ton is the title. Currently, the transfer stations charge \$30 per ton for disposal. One dollar of that goes to the state. They don't get it, they just collect it and pass it on, so the cost for the transfer station is actually \$39 per ton. The column on the left, TPD is tons per day, and again that's referring to the size of landfills, from a small landfill at 140 tons per day, up to a larger landfill at 1,750 tons per day.

Next to that is a cost column and that's the cost to operate that landfill. This is the base price. For 140 ton per day facility, that's \$35 per ton. That would pay for purchasing the land, developing the landfill, operating it, collecting closure costs, post-closure costs. These numbers were obtained from a consultant, HDR, whom we did work with in the Solid Waste Committee and these are national averages. So these could go up or down, depending on local circumstances but these are base numbers without the bells and whistles on what it would cost to operate these landfills. So you can see a 1,200 ton per day facility is down to \$17 per ton.

The next column is recycling. Now I discussed the recycling program already and the cost per ton for the different size facilities. Now you'll notice there's a couple of zeros at the top here. That doesn't mean there's no cost. What it means is if you remember 140 ton per day facility was \$54 a ton for just the recycling. Zero means it's prohibitive costs. If you added \$54 a ton, it would be on top of that \$35, that's \$89 a ton you'd be charging at that small facility for disposal and to pay for a recycling program. So the zero means the cost is so high we did not include it in this table because what this table is trying to do is keep the final tipping fee at \$39 or less, which is our current tipping fee. Okay, does that make sense? All right.

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So you have a couple of zeros here, 140 and 200 tons per day. Up at 500 tons a day though, you could add a recycling program at \$15 a ton on top of your base price of 23, so you could add a program if you had a landfill of that size.

Bulky waste collection, as I previously mentioned, the prices again, you have several zeros and then, at 1,200 tons a day, you could add bulky waste. Now this is kind of like a la cart dining. We could have put a number here on bulky waste and had a zero over here in recycling for the 500, we're just showing you examples. You could go through and pick and chose, which programs you would want.

FDD is free dump day abbreviation, so to have free dump day weekends, you could see whatever size the landfill that could be paid for in this scenario. REV is the abbreviation for revenue. Again, this was the \$2,000,000 a year number. It could be lower or higher depending on what a governing body would want. You'd have to wait till you got up to the 1,200 ton per day facility and then you could see at 1,200 tons per day you could pay for all of these programs: revenue, free dump day, bulky waste, recycling and the operating of the landfill. And the final column shows the final tipping fee if you add the rows across, that's what it would end up to be less than \$39 per ton. So we were just using a benchmark of 39 as a comparison to what our current system is, showing potential programs that could be funded and you could pick and chose which programs if you wanted any of these to be funded through this mechanism."

**Commissioner Sciortino** said, "Well that figure over on the far left, that's a hard number just to operate the landfill, to set aside enough money for closure of the landfill. That's a pretty accurate number, based on the consultants?"

**Ms. Erlenwein** said, "Right, but as he pointed out in his report, it's going to be dependant locally on different conditions, so this number could raise or lower. It depends on how much to pay for the land, labor costs in an area. This was a national average number."

**Commissioner Sciortino** said, "Right, I understand that."

**Ms. Erlenwein** said, "Any questions on this table? I can always come back to it."

So, what we've discussed today, information provided to you, are federal and state regulations pertaining to landfill siting, operating, closure, financing. The Kansas Department of Health and Environment gives the permits and makes sure all that is adhered to when they permit the facility. That landfill would have to go through zoning and get a conditional use permit and provide platting. The situation in counties around us and what their trash is and I'll look into Kingman in more detail for you, Commissioner. And possibilities of some solid waste programs and estimates of associated costs.

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All of this leads into what's in store for the future, and one is to reconfirm that we want to go into . . . develop a landfill and confirmed that. Who owns the landfill? Is it public, or private or a partnership and if it's public, who operates the landfill. Does the government develop a public department or do we contract out with a private group. Regulations, you have the federal and state. As I mentioned earlier, we have put in more regulations for transfer stations and C& D landfills. Do we want to do anything like that for a landfill for municipal solid waste. Location of a landfill considerations and solid waste programs and do we want to fund any of these through the tipping fees. And there's probably others that I'm missing on this slide. But that's it for my presentation. I'd be happy to answer any questions or go back to any previous slides."

**Chairman Winters** said, "All right, thank you very much, Susan, it was a good presentation. I had been asked about public comment in this process and it's not our intention to take public comment. I would remind the commission and those here or who are listening, over the past several years we have had at least four major town hall meetings. We had a series of community discussions, of which we had 82 different discussion opportunities for citizens. We went back and had community discussion too and had 65 more discussion opportunities. Towards the end of 2003, we had public comment out at the zoo on the update of our five year plan and then, about a month or so after that, we had a public hearing at the Kansas Coliseum where we talked about amending the solid waste plan and where then subsequently the commission amended the plan. So I think that I'm safe in saying that over the past several years we've had over 150 meetings where the community has had an opportunity to speak.

So today I think is a workshop presentation where we're going to receive and file Susan's report, knowing that two weeks from today, on February 25<sup>th</sup>, we're going to have the solid waste on our agenda again. So, Commissioners, if you have questions or comments, Susan I think you've made an excellent presentation, but this would be the time to ask questions if you have any regarding the EPA regulations, design criteria, location criteria, operational criteria."

**Commissioner McGinn** said, "Could we have Susan share exactly what items we'll go over next time?"

**Chairman Winters** said, "If you would like."

**Commissioner McGinn** said, "Would you let us know that and then I'll know whether to ask those questions. Okay, it's right there, I'm sorry. That's next time."

**Chairman Winters** said, "And I think the intension that I would think that we would . . . we've amended the solid waste plan to allow the inclusion of a local landfill and it would be discussion at

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the next meeting whether we're going to continue with the system that we currently have or whether we're going to consider changing. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you. Susan, what is our total volume now, in Sedgwick County?"

**Ms. Erlenwein** said, "For the municipal solid waste? I just ran the numbers for 2003 and it was 1,213 tons per day and that's on a seven-day week."

**Commissioner Unruh** said, "On a seven-day deal, so annually then?"

**Ms. Erlenwein** said, "I'd have to calculate that."

**Commissioner Unruh** said, "Okay, well I can do that. Another question, is in your presentation, you indicated that it's reasonable to think that we'd have 60% participation in a recycling program."

**Ms. Erlenwein** said, "Right. Case studies of other communities that have gone to that mandatory pay, which means you're paying for the service whether you use it or not, voluntary subscription, then you're not fined if you don't put recyclables in the container. Communities, the first year, have 60% participation and most people feel I'm paying for the service, I might as well utilize it and then it goes up from there in subsequent years, more people get on board and start using the system. I think Bel Aire has seen that in their community."

**Commissioner Unruh** said, "And then one more question, and that is you'd indicated earlier that when you overlaid all those maps that some of those areas that feel within restricted criteria does not necessarily eliminate the location. It just makes the requirements more strict."

**Ms. Erlenwein** said, "That's correct. You'd have to work with the agency, in this case Kansas Department of Health and Environment, on determining how could you design the landfill to overcome that criteria."

**Commissioner Unruh** said, "Okay. All right, thank you."

**Chairman Winters** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "Well, thank you Mr. Chairman. Susan, thank you very much. That was very in depth, it was succinct and we got to know what we needed to know in order to be better

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prepared for the meeting coming up on the 25<sup>th</sup>. I think what the main thing we're going to have to decide as a body is number one, because if we were to decide to maintain status quo then none of the other things come into play and if we decide to go to a landfill, then that's when the other ones come in and I think this type of a presentation really helps us formulate a decision on which way we might want to go on that. So I just want to publicly thank you. I thought it was a very well thought out presentation and it really does help us to have these types of workshops. So that's all I had, thank you."

**Chairman Winters** said, "Thank you, commissioner. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. So next time, on ownership, we'll talk in depth about liability?"

**Ms. Erlenwein** said, "And that would be with a representative from the Legal Department."

**Commissioner McGinn** said, "But that will . . . we'll have that information available at that next meeting."

**Ms. Erlenwein** said, "Yes."

**Commissioner McGinn** said, "Whether we own or otherwise. Regulations will we also talk about, if we move forward towards a landfill, like would that be the opportunity that we talk about liners and how many liners we want?"

**Ms. Erlenwein** said, "We've done some research on some of the surrounding states and what regulations they have put in, above and beyond EPA so we could give that information to you, so you could see what other communities have done."

**Commissioner McGinn** said, "And I apology if this is the question Commissioner Unruh asked. I was talking to Commissioner Winters. When I look at the volumes and then I look at whether we have recycling, is that mandatory recycling? Is that what's factored in here?"

**Commissioner Sciortino** said, "No, that's just subsidized recycling, where the government just pays for it and the citizens have it for free."

**Ms. Erlenwein** said, "Right, mandatory pay, voluntary participation. So it's not mandatory they participate. It's voluntary, if they put the recyclables in themselves."

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**Commissioner Sciortino** said, “No, but the way it was presented, they don’t pay anything. Well, it comes out of the general fund. It’s subsidized totally by government, is that correct, the way that chart was?”

**Ms. Erlenwein** said, “Right, that would be subsidized from the money we collect through the tipping fee. We would get it and then subsidize the program.”

**Commissioner Sciortino** said, “But the household wouldn’t pay another three or four dollars a month.”

**Ms. Erlenwein** said, “That’s right.”

**Commissioner McGinn** said, “So my question is what’s the percentage of people that will recycle when it’s billed that way? It’s my understanding, if you have to write a check, your recycling efforts increase. If it’s absorbed somewhere else, cause it’s never free, you don’t see that and what’s your participation level?”

**Ms. Erlenwein** said, “I’d have to look into that and see what it is in other communities but I’ll have that for you in two weeks.”

**Commissioner McGinn** said, “Cause my question eventually is when you look at the numbers and how they all shake out, you have to get so many tons per day and then we’re saying but we also want everybody to increase your recycling effort, which is going to decrease the amount of tons per day, depending on whether we’re really working hard to recycle or whether it’s just a program in place.”

**Ms. Erlenwein** said, “That’s correct.”

**Commissioner McGinn** said, “And so if that’s the case then you get into are we going to bring trash in from the outside or are we going to just take care of our own trash and those kinds of things, so that’s what I’m wondering about. Thank you.”

**Chairman Winters** said, “Thank you. Commissioner Norton.”

**Commissioner Norton** said, “Just a few things. I’d like to get a little information on what it would take to move forward on the lawn and leaf ban that we postponed last year, what the numbers look like on that, how quick we could ramp up to do that, because I think we need to start moving on

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some of these integral things. I'd like a little information on pyrolysis and a tire program. We've talked about that a little bit, but as we move forward on trying to figure out what to do with tires in the community, I'd like to see us have a pilot program with I'm thinking pyrolysis, but maybe there's something else, where we could test some of those new emerging technologies on a very small scale and see what it does for our community.

We have entered legislation that moves the solid waste fee, opens it up so we can use it for recycling and I think that's going to be very important to our community. That's a money stream that's putting a lot of money into a pot that we've already started reducing because we can't do anything with it based on present legislation and we've continued to lobby for that but I would urge citizens to lobby for that, because we've got this solid waste fee, it's already enacted and it's raising plenty of money and it would certainly go far to move us forward on a recycling program that is not going to be more onerous on citizens than it already is because they're already paying it, it's out there and I would like to see citizens get involved in that and get that legislation pushed through.

And then finally, I'd like some information on landfills that use compaction. I know Fort Pierce, Florida does it. There's some others and if you want to extend the life of a landfill, probably make it a little cleaner and have the ability to mine it later if you have an emerging technology that would burn it, incinerate it, do something else with it, the bales are pretty easy to pull out of there, use them as cubes of material that's burnable or goes into a process, so I'd like some information on compaction. I understand that it can get you up to 60% reduction in the land use that you have to use, so your cells don't have to be as big, it doesn't take up as much land. I would almost believe that there's got to be a way that you could wrap it, bale it, put a liner on the outside of it, stack it and when it's ready to be moved to an incinerator later, you take the dirt off the top of it, haul it there and use it as . . . like a log on a fire. So, I'd like some information on compaction, in the regards of landfills. That's all I've got."

**Ms. Erlenwein** said, "Okay. And the bill you mentioned earlier is Senate Bill 416."

**Commissioner Sciortino** said, "Well that use to be an amenity that all household had was trash compactors and then all of the sudden, that didn't get caught by to homes and they don't do that anymore."

**Commissioner Norton** said, "Well, Fort Pierce, Florida has . . . they have a machine, I don't know what kind of machinery it is, but it's like a baler for cardboard and it compacts it and it reduces it, the volume, the size of it by 60% and I guess they strap it and put it on a truck and haul it to the landfill and stack it in real neat. It's not blowing around anywhere. It gets rid of all that blowing trash and everything. I don't know a lot about it, but I'd like to have some information on it and I

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see that as a way that you also could use your transfer stations as places that the trash still gets hauled to, you put in this equipment, you compact it and then you put it in a landfill locally and then at some point you could mine it and do something else with it. Recycling programs would work well with it, because you're just going to compact whatever you've got. That's all I had. Thanks, Susan."

**Chairman Winters** said, "All right. Commissioner McGinn."

**Commissioner McGinn** said, "Just to tie in with my earlier comment about the leaf ban, how that would effect the tonnage as well is what I was talking about. And then the other thing, and I don't know if it's not to confuse or clarify. I think we moved forward last year on doing a tire program, because the state for whatever reason has decided not to continue partnering with local communities with the tire fee that's allocated that goes to the state and so we, at Sedgwick County, are taking up the slack here and I was . . . I guess I would hope is that maybe we could just have the report from staff, because it was my understanding that this was something that was suppose to get off the ground April. It is. Okay."

**Ms. Erlenwein** said, "April 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> and then the following Thursday, Friday, Saturday."

**Commissioner McGinn** said, "Okay. So I agree, it might be nice to understand how that program is going through, because we have not talked about that much from the bench, this tire program. And then again, this whole idea of looking at pyrolysis on a small scale of taking care of one item. Okay, thank you."

**Chairman Winters** said, "You're up, go ahead."

**Commissioner Norton** said, "I guess the pyrolysis intrigues me because it is a final method of disposal and if we talk of tire program, we're talking collection and everything but it still has to go somewhere, has to be recycled, broken down into its elements, whatever and I don't know that we've gotten to that point, but I'd like to hear something about it."

**Ms. Erlenwein** said, "Okay, and some of the companies who would bid to collect the tires take it to kilns to burn for energy or there are mono-fills, kind of like what you were talking about with the baled trash, where there's just tires and they can be dug up in the future to be used when they have a method for it. So there are different ways to dispose of tires, or some people crumb rubber the tires."

**Commissioner Norton** said, "That's all I have, Mr. Chairman."

**Chairman Winters** said, "Thank you. Well I think it would always be good for us to have updates

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from the new technologies committee of the Solid Waste Planning Committee. I think we've kind of taken the position in the past that if things are experimental and unproven, we're probably not going to be the ones making big investments in trying to see if we can be the ones to make them work, but as soon as somebody gets a new technology that is really functioning and working, we're interested in seeing it.

Susan, in talking about recycling, do you have a comparison number, and I know we've talked about this before, but I think a lot of people tend to believe that nothing is happening of any significance in recycling, but do you have the numbers again, the comparison of when Brooks Landfill closed and today, the amount of tonnage that's going into Subtitle D landfills?"

**Ms. Erlenwein** said, "From when Brooks Landfill was open till now we're down 20%. And part of that is going to the construction/ demolition landfills, which recycle quite a bit of the material that comes in, the wood and drywall and bricks and concrete. 103 tons a day goes to Weyerhaeuser Recycling, so they have quite a bit that's being recycled. The construction and demolition is 342 tons a day that's being diverted and going to those facilities, plus we have a compost facility north of town and they're receiving 79 tons per day. So we can't measure how much people are mulch mowing or composting at their house that never makes it out to the curb or to one of these facilities. But that's one thing, when you talk about grass or leaf ban, people start managing it at home but we're looking to other communities to determine what successes they've had to give estimates on those numbers for the commission."

**Chairman Winters** said, "Right. Well, you know and again, I'm not here to say that we are doing the best we can do in recycling and I hope we can continue to, whatever system we do, that we continue to have reusing and reduce and recycling as a key component to the system. But I think it is significant for the community to recognize those two numbers at least, that there is now 20% less material going into a Subtitle D landfill from our county than there was when Brooks Landfill was open and with these three entities, wood waste composting, the C & D landfill and Weyerhaeuser's operation, that's over 500 tons a day that are being recycled, and so again, I'm not here to say we've got the best system in place yet, but I think for people to say nothing is happening on recycling in the county is not correct. But I will be a supporter of keeping this issue in front of us all.

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Commissioners, are there any other questions or comments of Susan at this time?"

**MOTION**

Commissioner Sciortino moved to Receive and file.

Commissioner Norton seconded the Motion.

**Chairman Winters** said, "We will receive Susan's report and file it. We will have solid waste issues on our agenda on February the 25<sup>th</sup>. If anybody is interested in obtaining a copy of the Powerpoint, Andy Schlapp will be at the door or out in the hallway and he'll either have a copy or get your name and address. Madam Clerk, would you call the roll on the vote."

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "And let's take a short, five-minute recess."

**The County Commissioner recessed at 11:00 a.m. and returned from recess at 11:12 a.m.**

**Chairman Winters** said, "All right. We'll call back to order the Regular Meeting of February the 11<sup>th</sup>. Madam Clerk, call the next item please."

**D. GRANT APPLICATION TO KANSAS DEPARTMENT OF TRANSPORTATION FOR FUNDING OF ENFORCEMENT OF UNDERAGE DRINKING LAWS.**

**Sergeant Brenda Dietzman**, Sheriff's Office, greeted the Commissioners and said, "I've noticed that most of the people that were here have heard me speak before and have all decided to leave."

**Chairman Winters** said, "That had nothing to do with it."

**Sergeant Dietzman** said, "Well thank you for that. I'm actually doing this presentation today for

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Sergeant Gary Farthing, who is our new community liaison sergeant. He's in training today and was unable to make it.

This grant application is to KDOT for funding to help us enforce underage drinking laws in Sedgwick County. Underage drinking is a problem, continues to be a problem and this grant will help us focus on some very times where kids tend to drink a little bit more than not and that's at graduation prom and during spring break. In the year of 2002, and this is latest statistics that I have that I can give you, the Wichita Police Department and the Sedgwick County Sheriff's Office have written 200 tickets to people under the age of 21 for DUI and that's just in one year, so that's almost one every two nights out of three.

They've also written 266 tickets for minors in possession of alcohol. This grant is for \$7,150.80 there are no matching funds that are required. This will help us fund nine deputies and one supervisor for these weeks were those three events are occurring, for special patrols and they will also help fund 10 portable breath-test machines, which are the little machines that you blow into and they have a readout and it's a preliminary breath testing tool that we could use. Obviously those 10 PBTs would be used for many years after this grant is awarded, if it is awarded to us. Have any questions?"

**Chairman Winters** said, "All right, thank you. Commissioners, are there questions? Commissioner Norton."

**Commissioner Norton** said, "Well, I don't really have any questions. I think this is a great program and if we can concentrate towards after-prom parties and those things and after-graduation parties and save one kid's life, this is going to be great money spent."

### **MOTION**

Commissioner Norton moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner McGinn seconded the Motion.

There was no discussion on the Motion, the vote was called.

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**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “And Brenda, we would take this opportunity again to thank you for all your community policing efforts. You’re doing a great job.”

**Sergeant Dietzman** said, “Thank you.”

**Chairman Winters** said, “All right, thank you. Next item.”

**E. DIVISION OF HUMAN SERVICES.**

**DIVISION OF HUMAN SERVICES - COMCARE**

**1. CONTRACT WITH REGIONAL PREVENTION CENTER TO PROVIDE SUBSTANCE ABUSE PREVENTION EDUCATION AND INFORMATION, AND REFERRAL SERVICES.**

**Ms. Marilyn Cook**, Director, Comprehensive Community Care, greeted the Commissioners and said, “The item before you is a renewal of a contract with the Regional Prevention Center here in Wichita to provide substance abuse education and information to youth in Wichita. The funding source for this is the county’s liquor tax fund, or a portion of the liquor tax fund. The goals for the contract include increasing positive contributions of youth to the community and to help inform you of the adverse results of drinking and taking drugs. The money is also used by the youth to attend conferences and breakfasts where they learn how to engage other youth not to use alcohol and drugs, so it’s another effort, much like Sergeant Dietzman’s. We’re requesting that you approve the contract and I’d be happy to answer any questions you might have.”

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**Chairman Winters** said, “All right. Commissioners, you’ve heard Marilyn’s report. Any questions?”

**MOTION**

Commissioner Norton moved to approve the Contract and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

There was no discussion on the Motion, the vote was called.

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you, Marilyn. Next item.”

**DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING**

**2. GRANT APPLICATION TO NATIONAL CENTER FOR SENIORS’ HOUSING RESEARCH FOR FUNDING OF A MEDICAL EQUIPMENT RECYCLING NETWORK PROGRAM.**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, “The Sedgwick County Department on Aging, through the Central Plains Area Agency on Aging, is applying in collaboration with the Independent Living Resource Center, for a one-year assisted technology and aging in place grant to fund an expanded medical equipment recycling network

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program. This program has been around since 1992 and this grant would help to expand this program.

The current program provides for free, durable medical equipment to the elderly who cannot afford to purchase or to rent this equipment and it helps them to age in place and to remain in their homes and in their communities. This program, this grant would allow this program to expand, to be able to increase the partnerships and collaborations to access more durable medical equipment and through this program they donate that or they help get that out and available so that people can borrow it. So they can either just try it out or they can use it as long as they need it.

It would also allow this program to increase the awareness to be able to go out and promote that, do some brochures and some presentations out in the community to get more people aware of that program and to work around the three-county area to increase the awareness and it would also work to help increase the accessibility by having some web-based services available for that, where people can go on the web and see what was available. We would have that on the web about what was available and about the equipment that was there that they could try to use and also it would have, on the web, the application forms that we could get off the web and process that way.

So this is, like I said, a joint application with the Independent Living Resource Center, who currently runs that program but we would work with them and be more collaborative in working with them and with our case manager, get the word out and to also make our equipment, that we purchase through the aging programs, through the Central Plains Area Agency on Aging, that once a person is done with that, that they would need to bring that back in and that would be located then at the Medical Equipment Resource Network and have all that equipment available. So we should be able to hear back on that grant application probably within the next month to see if we would be eligible. The grant application amount that is being requested is \$14,080 and the grant matching funds that are required are basically already existing funds in-kind and dollar amounts that these two programs already have in place, so it was able to utilize those as matching funds.”

**Chairman Winters** said, “All right, thank you. So just to follow up on the finances, with \$22,000 in matching funds, that money or matching in-kind is already there?”

**Ms. Graham** said, “Yes it is, already being invested into these two programs.”

**Chairman Winters** said, “Is the Independent Living Resource Center making a financial commitment?”

**Ms. Graham** said, “Yes, there are some that’s both in-kind and financial commitment by the Independent Living Resource Center.”

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**Chairman Winters** said, "And likewise with the Department on Aging, some in-kind and some financial?"

**Ms. Graham** said, "Yes."

**Chairman Winters** said, "Commissioner Norton."

**Commissioner Norton** said, "Well, I just think this is a great program, as we talk more and more about trying to keep seniors in their home. Sometimes it's not about maybe the nurse practitioner or even the care, or the relatives, it may be about a piece of equipment or apparatus that allows them to be independent and stay in their homes. So this is a great way to kind of parley all those things together to keep our seniors healthy and happy and in their home and where they're limited, maybe a piece of equipment or apparatus will help them with that. And I was going to make a motion, but if there are other lights, I'll hold off."

**Chairman Winters** said, "There is a question."

**Commissioner Unruh** said, "Annette, I just wanted to ask, the types of equipment that we're talking about, what are they? Oxygen machines and wheelchairs and like that?"

**Ms. Graham** said, "It would be wheelchairs, hospital beds, bedside commodes, a host of different kinds, things to help in the bath, it can even be grab bars, little things like that, so it's a wide variety."

**Commissioner Unruh** said, "All right, thank you. Well, I agree with Commissioner Norton. Those little things are critically important to some people to be able to maintain some form of independence so I think this is a great program."

**Commissioner Sciortino** said, "It does help me a lot."

**Chairman Winters** said, "We're ready for a motion."

### **MOTION**

Commissioner Norton moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

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Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion, the vote was called.

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you, Annette. Next item.”

**F. PUBLIC WORKS.**

- 1. AGREEMENT WITH CITY OF DERBY, KANSAS PROVIDING GRANT FUNDS FOR SEDGWICK COUNTY TO PERFORM CONSTRUCTION ENGINEERING SERVICES FOR THE ROAD IMPROVEMENT PROJECT ON K-15 FROM SUNNYDELL TO THE NORTH CITY LIMITS OF DERBY. DISTRICT #5.**

**Mr. David Spears**, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, “The City of Derby is going to reconstruct K-15 from Sunnydell to the north city limits. They have asked us to do the inspection or as it’s now called ‘construction engineering’ for the project. The Kansas Department of Transportation is providing the majority of funding for the project and they have approved this arrangement. Sedgwick County will receive \$203,630.80 in the form of a grant from the City of Derby. The grant agreement is before you today. It has been reviewed by the Finance and Legal Departments. I recommend that you approve the agreement and authorize the Chairman to sign.”

**Chairman Winters** said, “Thank you. Commissioner Norton.”

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**Commissioner Norton** said, "Well, I think this is very positive. How many miles or how far is this stretch of road?"

**Mr. Spears** said, "It's through Derby. It's K-15 through Derby. It's . . . the road is very old. I think around 40 years old and it's a major project. It will take about two years to do. It will take two of our personnel that amount of time and at times be three or four people. So it's very extensive and in fact KDOT requested that we be the ones on the job and I was pretty proud about that."

**Commissioner Sciortino** said, "It's about four miles."

**Commissioner Norton** said, "It's interesting that this comes up. I'm interested in maybe looking at taking it further, from 235 all the way, because there's a . . . that area leading off of 235 where you exit and then head into Derby probably needs a look at too, as far as continuity, the way it looks. I've often said that that needs to be a corridor and that's not a part of the scope of this, but I would urge us to think about that."

**Mr. Spears** said, "Commissioner, where do you mean 235? Over by 47<sup>th</sup> Street?"

**Commissioner Norton** said, "I'm sorry, not 235, I misspoke myself. 135, where you exit off the canal route."

**Mr. Spears** said, "Oh, north of Boeing? That's north of Boeing then. That's quite a ways from Derby."

**Commissioner Norton** said, "Yeah, but I was going to say, that whole corridor through there."

**Mr. Spears** said, "Well, I'm sure that KDOT, in their modification program that they look at each year, and I don't know if they have any more of that on their schedule, but that's a KDOT Kansas road."

**Commissioner Sciortino** said, "Yeah, but if we can get Derby to pay for it, I think that's where Commissioner Norton is coming from, that'd be fine."

**Commissioner Norton** said, "I just know that that whole corridor, it just doesn't make sense, you're going to clean it up right through Derby, and then leading into that, exiting off of 35, it still looks . . ."

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**Mr. Spears** said, "I know what you mean. I think it's such a major undertaking, I think you'd have to do it in pieces."

**Commissioner Norton** said, "That's okay. But to advance that idea, today's the day to start thinking about it all being contiguous. I mean, we did some work on K-15 at Mulvane and made that . . . the bridge and everything look better. We're going to design it through Derby, yet the portion up north of that is going to still look relatively old."

**Mr. Spears** said, "I think from 47<sup>th</sup> to 71<sup>st</sup> isn't too bad. That piece was done several years ago, but it's newer than the piece we're doing now. Then north of that it gets bad again."

**Commissioner Norton** said, "Enough said."

**Mr. Spears** said, "We can have those discussions with KDOT."

**Commissioner Norton** said, "It's not going to be in the scope of this, obviously, but it's something to think about."

**Chairman Winters** said, "All right, thank you. Commissioners, what's the will of the Board on F-1, this agreement with Derby?"

### **MOTION**

Commissioner Sciortino moved to approve the Agreement and authorize the Chairman to sign.

Commissioner Norton seconded the Motion.

There was no discussion on the Motion, the vote was called.

### **VOTE**

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Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Next item."

**2. MODIFICATION OF PLANS AND CONSTRUCTION WITH RITCHIE PAVING, INC., REQUEST NUMBER ONE, FOR SEDGWICK COUNTY PROJECT 634-28, 29, 63<sup>RD</sup> STREET SOUTH BETWEEN K-15 AND HYDRAULIC. CIP# R-247. DISTRICTS #2 AND #5.**

**Mr. Spears** said, "Item F-2 is a modification of plans and construction for the road improvement project on 63<sup>rd</sup> Street South, between K-15 and Hydraulic, designated as R-247 in the Capital Improvement Program. There will be an increase of \$24,879.50 due to five different items.

First, we needed to do extra clearing and grubbing to clean a small channel, which will improve drainage in the area. We received landowners' permission to do this. Second, a concrete lip was discovered underground on an abutment which has to be removed. Third, a 24-inch RCP in needed to address drainage problem in the area. Fourth, we would like to change the traffic signal installation from a loop detection system to a camera system, which is the way we're going with all future projects. Finally, the traffic control plan has to be changed due to delays in the railroad in constructing the new crossing down by K-15. I recommend that you approve the modification and authorize the Chairman to sign."

**Chairman Winters** said, "Thank you. Commissioners, you've heard that report. What's the will of the Board?"

**MOTION**

Commissioner Sciortino moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

There was no discussion on the Motion, the vote was called.

**VOTE**

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Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Thank you, David. Next item please."

**G. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF FEBRUARY 5, 2004.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The referenced meeting resulted in four items for consideration today.

**1) COMPUTERS & PRINTERS- CORRECTIONS**  
**FUNDING: ADULT INTENSIVE SUPERVISION/ ADULT RESIDENTIAL**

The first item, computers and printers for Department of Corrections. Recommend the low quote from Gateway in the amount of \$73,648.90.

**2) ROAD IMPROVEMENTS- PUBLIC WORKS**  
**FUNDING: GO BONDS**

The second item, road improvements for Public Works. Recommend the low bid from Ritchie Paving for a total of \$2,786,087.01.

**3) PORTABLE ZEEMAN MERCURY VAPOR ANALYZER- EMERGENCY MANAGEMENT**  
**FUNDING: PROJECT IMPACT GRANT/ HAZMAT**

Item three, a portable Zeeman Mercury vapor analyzer for Emergency Management. Recommend the low bid meeting specifications from Ohio Lumex Company in the amount of \$12,290.

**4) IV SOLUTIONS- EMERGENCY MEDICAL SERVICES**  
**FUNDING: EMS OPERATIONS**

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And the fourth item, IV solutions for Emergency Medical Services. Recommend the low complete bid from Midwest Medical Supplies in the amount of \$19,089.18.

Be happy to answer any questions and recommend approval of these items today.”

**Chairman Winters** said, “All right. It seems pretty simple. Commissioners, any question about Bid Board? Seeing none, what’s the will of the Board?”

**MOTION**

Commissioner Norton moved to approve the recommendations of the Board of Bids and Contracts.

Chairman Winters seconded the Motion.

There was no discussion on the Motion, the vote was called.

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Next item.”

**CONSENT AGENDA**

**H. CONSENT AGENDA.**

**1. Right-of-Way Easements.**

- a. One Temporary Construction Easement and one Easement for Right-of-Way for Sedgwick County Project 787-P-902, 263<sup>rd</sup> Street West between 6<sup>th</sup> Street South and 4<sup>th</sup> Street North. CIP# R-246. District #3.
- b. Temporary Construction Easement on the Sedgwick County Cowskin Creek Project. District #2.

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- c. Easement for Drainage for Sedgwick County Project 795-N-2265; 199<sup>th</sup> Street West between 13<sup>th</sup> and 21<sup>st</sup> Streets North. CIP# R-264. District #3.
- 2. **Order dated February 4, 2004 to correct tax roll for change of assessment.**
- 3. **General Bills Check Register(s) for the week of February 4 – 10, 2004.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “You have the consent agenda before you and I would recommend you approve it.”

**Chairman Winters** said, “We have the consent agenda. What’s the will of the Board?”

**MOTION**

Commissioner Sciortino moved to approve the consent agenda as presented.

Commissioner Norton seconded the Motion.

There was no discussion on the Motion, the vote was called.

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “We have no Fire District and we have no Executive Session today. Is there any other business to come before the Board? Commissioner Norton.”

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### I. OTHER

**Commissioner Norton** said, "Well, just to let constituents know that we were in Topeka this week for County Day and we met with legislators and hosted them for a luncheon when they were between sessions and meetings and I think we had good stirring dialogue. I think they understand some of the issues that we're moving forward. Chairman Winters really articulated some of the things that we're working on for the group and I think we had a good two days in Topeka."

**Chairman Winters** said, "Thank you. Commissioner Unruh."

**Commissioner Unruh** said, "Well I just want to publicly say thank you and congratulations and to compliment Koch Industries for their decision to bring their new acquisition to the City of Wichita and the . . . you know, it's in the paper, everybody's aware of it but we're happy they think Wichita is the place to be and look forward to the addition of those citizens and I'm really happy about it, I guess is what I want to say."

**Chairman Winters** said, "As we all are."

**Commissioner Norton** said, "I hope it's just the first of many, many more."

**Chairman Winters** said, "So do I."

**Commissioner Sciortino** said, "If I read that right, that was equivalent to about 580 \$35,000 a year jobs. That is a major thing, I mean, that was huge."

**Chairman Winters** said, "This is a huge opportunity and we helped make the investment to make sure that it happened."

**Commissioner Sciortino** said, "I think it is an investment too. It's not an incentive. I have one thing."

**Chairman Winters** said, "Yes, Commissioner Sciortino."

**Commissioner Sciortino** said, "I want to publicly announce that my golf clubs are for sale at a very reasonable price. I took a few days off last week with some buddies and went to California and I left everything I ever learned about golf here, apparently, with the way I shot. I mean, I even wiffed a ball twice when I was trying to swing and they counted my strokes for that too."

**Commissioner Unruh** said, "Well let me say that I've bought a club for him and he does not know

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the meaning of reasonable, so be careful if you buy his clubs.”

**Commissioner Sciortino** said, “Well, duh.”

**Chairman Winters** said, “The last bit of news is Commissioner Sciortino is looking for help with his golf game. All right, if there’s nothing else, this meeting is adjourned.”

**J. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:33 a.m.

**BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS**

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**THOMAS G. WINTERS**, Chairman  
Third District

**Regular Meeting, February 11, 2004**

\_\_\_\_\_  
**DAVID M. UNRUH**, Chair Pro Tem  
First District

\_\_\_\_\_  
**TIM R. NORTON**, Commissioner  
Second District

\_\_\_\_\_  
**CAROLYN McGINN**, Commissioner  
Fourth District

\_\_\_\_\_  
**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2004